

REMARKS

Claims 58-75, 77-89 and 92-104 are pending, of which claims 58 and 94 are independent method claims with corresponding independent computer program product claims 99 and 73, respectively. As indicated above, claims 76 has been canceled (claims 90-91 were canceled previously) and claims 58-64, 71-73, 75, 77-79, 85-89, 92, 94, 96-103 have been amended by this paper.¹

The Office Action rejected independent claims 58 and 73 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,081,830 to Schindler ("*Schindler*") in view of U.S. Patent No. 6,061,716 to Moncreiff ("*Moncreiff*"), rejected independent claims 94 and 99 under 35 U.S.C. § 103(a) as being unpatentable over *Schindler* in view of U.S. Patent No. 6,600,503 to Stautner et al. ("*Stautner*") and U.S. Patent No. 6,545,722 to Schultheiss et al. ("*Schultheiss*"),² and rejected the remaining dependent claims under 35 U.S.C. § 103(a) as being unpatentable over *Schindler* in view of *Moncreiff*, U.S. Patent No. 6,526,577 to Knudson et al. ("*Knudson*"), and/or ("*Schultheiss*").³

Applicants' invention, as claimed for example in independent method claim 58, relates to a client system displaying a particular video program and chat communication corresponding to the particular video program. The method includes receiving a video program from a video source; receiving chat communication from a chat room that is associated with the video program; storing a plurality of distinct user interface templates, each of the plurality of distinct user interface templates defining a video region, for displaying the video program, and a chat region, for displaying chat communication, that differ from one user interface template to another; selecting one of the plurality of distinct user interface templates for use in customizing display of the video program and the chat communication based on at least one of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the

¹Support for the amendments can be found throughout the Specification, and particularly beginning at line 19 or page 18; Figure 14; and Figures 5-13.

²The Office Action also indicated that claims 94-104 were under 35 U.S.C. § 103(a) as being unpatentable over *Schindler* and *Stautner* in view of U.S. Patent No. 6,177,931 to Alexander et al. ("*Alexander*"), but the rejection only addresses claims 94 and 104, and fails to assert that the limitation identified as missing in *Schindler* and *Stautner* is one that *Alexander* discloses. Accordingly, Applicants have interpreted this rejection as an editing oversight, and request clarification, including specific treatment of each claim, from the Examiner if the rejection is intended to provide alternate grounds for rejecting claims 94-104.

³Applicants do not acquiesce the prior art status or asserted teachings of the cited art, and specifically reserve the right to challenge those asserted teaching and/or the prior art status of the cited art in the future.

video program, (iii) a television network affiliate providing the video program, or (iv) a network providing the video program; and displaying the video program and the chat communication in accordance with the selected user interface template and thereby creating a customized user interface for the video program and chat communication. Independent claim 99 recites similar limitations from the perspective of a computer program product.

Applicants' invention, as claimed for example in independent method claim 94, relates to a host server controlling a client system's display of a particular video program and chat communication corresponding to the particular video program. The method includes receiving a chat request from a client system, the chat request including a video program identifying characteristic, for a video program, that identifies at least one of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the video program, (iii) a television network affiliate providing the video program, or (iv) a network providing the video program; storing a plurality of distinct user interface templates, each of the plurality of distinct user interface templates defining a video region, for displaying the video program, and a chat region, for displaying chat communication from a chat server, that differ from one user interface template to another; selecting one of the plurality of distinct user interface templates based on the video program identifying characteristic; and sending the selected user interface template to the client system for use in customizing display of the video program and the chat communication at the client system in accordance with the selected user interface template. Independent claim 73 recites similar limitations from the perspective of a computer program product.

In order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

In rejecting independent claim 94, the Office Action concedes that *Schindler* and *Stautner* do not disclose receiving a user interface template identifying characteristic with a video program that identifies one of a plurality of distinct user interface templates available at a client system, but asserts that *Schultheiss* discloses at least two display modes for a program guide, full screen mode and partial display mode, where a portion of the screen is used to display

the program guide and another portion is used to display other information, such as video from a TV program. Office Action, p. 16 (rejection of claim 94) (citing to *Schultheiss*, col. 5, ll. 14-29). The Office Action further asserts that *Schultheiss* discloses chat being displayed in one portion of a screen while a television program is displayed in another portion of the screen, and that a user interface identifying characteristic must be received to identify one of a plurality of distinct user interface templates available to control the display of a television program in full screen or in a portion of the screen along with additional information, such as chat, email, weather, etc. The Office Action's reasoning with respect to claim 94 concludes by asserting that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Schindler* and *Stautner* to use the teachings of *Schultheiss* in order to allow a user to control the display on the screen.

Although Applicants do not necessarily concur with this analysis, even if the above assertions are presumed accurate for purposes of this response, *Schindler*, *Stautner*, and *Schultheiss* fail to teach, suggest, or motivate selecting one of a plurality of distinct user interface templates for use in customizing display of a video program and chat communication based on at least one of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the video program, (iii) a television network affiliate providing the video program, or (iv) a network providing the video program. In fact, such operation appears to be incompatible with the Office Action's asserted motivation for combining *Schindler*, *Stautner*, and *Schultheiss*: in order to allow a user to control the display on the screen.

Each independent claim recites, in one form or another, storing a plurality of distinct user interface templates, each of the plurality of distinct user interface templates defining a video region, for displaying the video program, and a chat region, for displaying chat communication, that differ from one user interface template to another. There is simply no teaching or suggestion in *Schindler*, *Stautner*, and *Schultheiss* to select one user interface template over another based on the criteria identified above. Moreover, with respect to independent claims 94 and 73, there is no teaching or suggestion in *Schindler*, *Stautner*, and *Schultheiss* that a host server control a client system's display of a video program and chat communication corresponding to the video program, by making a selection from a plurality of user interface templates and sending the selected user interface template to the client system for use in customizing display of the video

program and the chat communication at the client system in accordance with the selected user interface template.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited art fails to anticipate or make obvious Applicants' invention, as claimed, for example, in independent claims 58, 73, 99 and 94. Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. Accordingly, Applicants do not acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions in the future, if necessary or desired.

For example, the Office Action takes Official Notice that a chat room being maintained only until the last user leaves the chat room is well known in the art. Office Action, pp. 11 & 19 (rejection of claims 93 and 104). Applicants respectfully disagree and request that the Examiner provide supporting documentary evidence in the next Office Action if the rejection is to be maintained. See MPEP § 2144.03(C).

The Office Action also takes Official Notice that providing multiple interactive links in a video program with each link connecting to a different source is well known in the art. Office Action, pp. 10 & 18 (rejection of claims 92 and 103). Even if accurate, Applicants respectfully submit that this Official Notice is insufficient with respect to claims 92 and 103, which each recite displaying a new chat link with a video program, and prior to the end of the video program, the new chat link linking to a new chat room that is associated with a different video program. As indicated above, during examination, pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01. Applicants respectfully submit that interpreting claims 92 and 103 as defined in the asserted Official Notice can only be achieved through an interpretation that is unreasonably broad, based on the terms used in the claims and the disclosure in the specification.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 22nd day of November, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", with a long horizontal flourish extending to the right.

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